

REMARKS

The Examiner rejected claims 11, 13-16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Doss in combination with Schachar and Wuchinich. The Examiner rejected claims 20-23 under 35 U.S.C. 103(a) as being unpatentable over Doss in combination with Schachar and Wuchinich. The application of these references does not create the recited claims. The claims recite a probe that is in contact with the cornea and transmits current through the cornea. Neither Schachar or Doss discloses this limitation. Doss discloses a transmission of current but the electrode is clearly not in contact with the cornea. Conversely, Schachar discloses contact between a probe and a cornea but current does not flow from the probe.

Additionally, the applicant submits that these references do not teach or suggest the combination of the recited claims, in fact, Doss seems to teach away from a Schachar type device. The background section of the Doss reference discusses a thermokeratoplasty probe such as that used in Schachar. The background section discusses how such probes can create a high surface temperature and a relatively lower temperature in the stroma of the cornea. Doss addresses this issue by spacing an electrode away from the cornea so that a cooling saline solution can create a desired temperature profile in the cornea. This profile is shown in Figure 6 of the Doss reference.

The applicant submits that one skilled in the art would not look to Schachar to teach direct contact between the Doss electrode and the cornea when the Doss reference specifically teaches away from such a probe. Likewise, one skilled in the art would not modify Schachar to include the power settings of Doss because Schachar is not transmitting current into the cornea. Schachar does not mention the power profile of the current used to

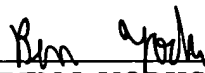
heat the needle. The applicant notes that a simple DC current could suffice to heat the Schachar needle. There would be no need for the RF power settings of Doss to heat the needle disclosed in Schachar.

The applicant submits that the references cited by the Examiner do not in combination recite all of the limitations of the claims. Additionally, the applicant submits that these references do not teach or suggest one skilled in the art a combination that would result in the claims. For these reasons the applicant submits that the claims are not obvious over Doss in view of Schachar and Wuchinich.

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 11, 13-16, 18 and 20-23 at an early date is solicited.

Respectfully submitted,
IRELL & MANELLA LLP

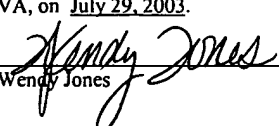
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, on July 29, 2003.


Wendy Jones

7/29/03
Date

APPENDIX

IN THE CLAIMS

Claim 11 has been amended as follows:

11. (Twice Amended) A system for denaturing a cornea, comprising:

a ground element;

a probe which has a tip that is[can be] placed in contact with the cornea; and,

a power supply which provides a current that flows to said probe through the cornea and to said ground element, the current having a damped waveform frequency between 5KHz to 50 MHz and a repetition rate between 4KHz and 12KHz..